

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARTIN HAGOPIAN,

Plaintiff,

vs.

Case No. 05-CV-74025
HON. GEORGE CARAM STEEH

DAVID SMITH, et al.,

Defendants.

_____/

ORDER ACCEPTING NOVEMBER 6, 2008
REPORT AND RECOMMENDATION (#98) AND
DISMISSING DEFENDANTS JOHN DOE AND JANE DOE

Plaintiff Martin Hagopian, a Michigan prisoner proceeding pro se, was ordered by Magistrate Judge Mona Majzoub on October 16, 2008 to show cause as required under Federal Rule of Civil Procedure 4(m) why defendants "John Doe" and "Jane Doe" should not be dismissed for failure to timely effect service within 120 days of the issuance of the summons on October 20, 2005. Hagopian filed a timely response to the show cause order on October 31, 2008. Magistrate Judge Majzoub issued a Report and Recommendation on November 6, 2008 recommending that the "John Doe" and "Jane Doe" be dismissed from this lawsuit under Rule 4(m) on Hagopian's failure to make reasonable efforts to identify the John and Jane Doe defendants during the course of this lawsuit. Magistrate Judge Majzoub states there would be no point in extending the time for service under Rule 4(m) given Hagopian's continuing inability to identify the Doe defendants.

"A judge of the court shall make a de novo determination of those portions of the

report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636 (b)(1). "A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." Id. Hagopian has not filed objections. Having reviewed the matter,

The court hereby ACCEPTS the November 6, 2008 Report and Recommendation. Defendants "John Doe" and "Jane Doe" are hereby DISMISSED without prejudice.

SO ORDERED.

Dated: December 1, 2008

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on December 1, 2008, by electronic and/or ordinary mail.

s/Josephine Chaffee
Deputy Clerk